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IN THE HIGH COURT OF KARNATAKA AT BANGALORE

Dated this the 30th day of June, 1998

BEFORE

THE HON'BLE MR. JUSTICE V.P. MOHAN KUMAR

WRIT PETITION NO. 30171 OF 1994

BETWEEN :

The Karnataka State Road  
Transport Corporation  
Central Offices  
Shanthinagar,  
K.H. Road  
Bangalore - 560 027  
by its Managing Director

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.. PETITIONER

(Sri H.R. Remuka for  
Sri L. Govindaraj, Advocate)

A N D :

1. Samod  
S/o Hussain Beig Inamdar  
Age : Major  
Occ : Nil  
C/o V.G. Kulkarni  
Advocate  
Chandabavadi Road  
Bijapur
  2. The Chief Judicial  
Magistrate & The Authority  
under the Payment of Wages  
Act (IV of 1936)  
Bijapur
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3. The Principal District Judge  
Bijapur at  
Bijapur

.. RESPONDENTS

(Sri R. Gururajan and  
Sri M.L.N. Reddy for R - 1,  
R - 2 & 3 served)

Writ Petition filed under Article 226 & 227 of the Constitution of India, praying to; issue A WRIT in the nature of CERTIORARI or any other appropriate writ, direction or order quashing the order dated : 16.6.1993 in Criminal Misc. Case No. 45/92 made by the second respondent as also the order dated 22.4.1994 in Misc.Appeal No. 30/93 made by the third respondent produced and marked as annexures 'C' and 'E' respectively to the writ petition, etc.

This Writ Petition coming on for Hearing, this day, the Court made the following :

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The worker in question made an application under Section 10(4-A) of the I.D. Act praying for awarding an interim relief at Rs. 800/- per month. After contest the Labour Court passed the following order.

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"In the result, this application is allowed.

The claimant is awarded 50% of the pay last drawn by him as interim relief from the date of initiation of the domestic enquiry till the final disposal of the proceedings in this Tribunal. No costs."

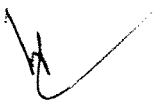
This order was made on 15.2.1992. The employer did not comply with the said order. The worker then made an application under Section 15(2) of the Payment of Wages Act before the Authority appointed under the Payment of Wages Act, to recover the said amount. A notice in that behalf was issued to the petitioner-employer. They appeared, but did not file any statement of objection. The matter was contested. In the application the worker claimed Rs. 28,000/- with interest at the rate of 15% per annum from the date of order in question till its realisation. After contesting the matter by Annexure - C order the Addl. Chief Judicial Magistrate, Bijapur passed the following order; on 16-6-1993 :

"Sri V.G.K. for petitioner

Sri S.N.C. for Respondent.

For hearing.

Memo of dues filed, Objections not filed.



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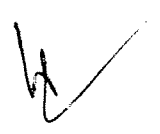
Heard.

Issue D/w. against the respondent  
returnable by 24.7.93."

On 16.7.1993 the following endorsement is made by the  
authority.

"Sri S.N.G. Adv. filed interim application  
along with cheque for Rs. 6,564.00 with  
Memo Under Protest."

Against the order dated 1.6.6.1993 petitioner-employer  
filed an appeal under Section 17 of the Payment of Wages  
Act before the District Judge. The main contention urged  
before the appellate authority was that there was no juris -  
diction for the authority to decide the application made  
under Section 15(2) of the Payment of Wages Act. The  
said contention was over-ruled. The District Judge  
dismissed the appeal on that ground that there was no  
objections filed by the employer and it also held that the  
authority who made the order impugned had jurisdiction to  
decide the issue. While dismissing the appeal the  
Appellate Authority observed as follows :



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"Therefore, I am of the firm opinion that the sum arrived at by the applicants were to be accepted by the lower court and distress warrants were issued at the first instance and as no objections were filed, the second distress warrants were issued on 16.6.1993. For all these reasons, I am of the firm opinion that the order of the lower court cannot be interfered with and appeals are to be dismissed."

This order is challenged before me by the employer/ Corporation. I have heard Ms. Remuka, learned counsel for the petitioner. The first contention urged by the learned counsel is that the application under Section 15(2) of Payment of Wages Act is not maintainable. I do not think this contention is correct. Section 15(2) of the Payment of Wages Act reads thus :

"15(2) Where contrary to the provisions of this Act any deduction has been made from the wages of an employed person, or any payment of wages has been delayed, such person himself, or any legal practitioner or any official of a registered trade union authorised in writing to act on his behalf, or any Inspector under this Act, or any other person acting with the permission of the authority appointed under sub-section (1),

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sub-section(1), may apply to such authority for a direction under sub-section (3)".

"Wages" is defined in the Act as follows:

"Wages" means all remuneration whether by way of salary, allowances or otherwise expressed in terms of money or capable of being so expressed which would, if the terms of employment, express or implied, were fulfilled, be payable to a person employed in respect of his employment or of work done in such employment, and includes -

(a) any remuneration payable under any award of settlement between the parties or order of a Court;xxxxx "

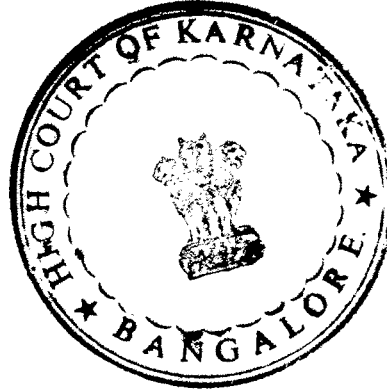
Obviously the amount payable is under the award passed by the Labour Court is also "wages" as defined. If this be so the application under Section 15(2) of the Payment of Wages Act is maintainable. The order under challenge does not call for interference. The Appellate Court was justified in dismissing the appeal. I do not find any ground to interfere with the order under challenge

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challenge. The writ petition is, dismissed accordingly.

Sd/-  
JUDGE



Vb/-